

### **REMARKS**

Currently pending in this application are claims 1-77. Claims 78-89 were previously withdrawn without prejudice.

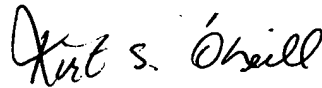
The Examiner rejected claims 1-77 under 35 U.S.C. 103 as being unpatentable over DaGraca (US 6,646,676) in view of Pucker (US 6,298,144). Reconsideration is respectfully requested because the examiner has apparently misunderstood what is meant by “motion histograms” in Applicant’s claims and how they differ from the “normalized histograms” of Pucker.

As pointed out in Applicant’s specification (page 20, line 23, through p. 21, line 8 and FIGS. 2 and 3), a “motion histogram” as claimed is a graphical depiction corresponding to the number and degree of pixel changes between subsequent scenes or images sensed by the camera. The user or system can readily interpret such graphical information by simple direct observation. Pucker does not disclose a motion histogram at all. Pucker discloses a technique for eliminating Gaussian noise from subsequent images using a strictly mathematical algorithm that is not suited for yielding meaningful graphical information. Pucker’s “normalized histogram” is nothing but a normalized numerical array that is mathematically compared to a Gaussian noise model using a statistical “distance calculator.” See col. 9, ll. 26-50. This is strictly a mathematical operation. No suitability or capability of graphical representation or depiction is suggested by Puckett.

It is believed that the meaning of “motion histogram” is clear from the specification, and no amendment to the claims is required in view of the proposed DaGraca/Pucker combination. However, in recognition of the final nature of the Office Action, Applicant requests entry of the present amendment to independent claims 1 and 32, which clarifies that a motion histogram is one that is suitable for graphically depicting sensed scene changes. No change in claim scope is intended.

The requested amendment is believed to place the application in better condition for allowance or appeal, and its entry is therefor respectfully solicited. If the Examiner has any other matters which pertain to this Application, the Examiner is encouraged to contact the undersigned to resolve these matters by Examiner's Amendment where possible.

Respectfully submitted,



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### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 6, 2006.

*Kirt S. O'Neill*

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